

REMARKS

The Final Office Action mailed January 20, 2006, has been carefully reviewed and the foregoing requested amendments and the following remarks are made in response thereto. Applicant respectfully asserts that entry of the requested amendments would place the application in condition for allowance. Alternatively, entry of the requested amendments would place the application in better form for consideration on appeal.

Claim 16 stands objected to for a minor informality. Claims 5 and 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0086292 to Kamimura in view of U.S. Patent Application Publication No. 2002/0003970 to Goto et al. Applicant appreciates the Office Action's indication that claims 1-4 and 10-15 have been allowed and it is assumed that claims 6, 7 and 17 would be allowable if rewritten in independent form¹. Claim 16 would be allowable if rewritten to overcome the objection mentioned above.

By this amendment, claim 6 has been canceled without prejudice to or disclaimer of the subject matter contained therein. Claim 5 has been amended to incorporate the allowable subject matter recited in canceled claim 6. Applicant has amended claim 16 to correct the minor informality noted by the Examiner and requests withdrawal of the objection. Claims 7, 16 and 17 have been amended to update their dependence. Claims 1-4 and 8-15 remain unchanged.

This amendment changes, adds, and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 1-5 and 7-17 are presently pending in this application for consideration.

¹ Although the Office Action at page 4 includes claims 6, 7 and 17 in the list of allowed claims, Applicant respectfully submits that these claims should not be allowed since their base claim, claim 5, stands rejected. In responding to the outstanding Office Action, Applicant has taken the position that claims 6, 7 and 17 are allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. Applicant respectfully requests confirmation of this point by the Examiner in the next communication.

Applicant gratefully acknowledges the Office Action's indication that claims 1-4 and 10-15 are allowed and that claims 6, 7, 16 and 17 would be allowable if rewritten to either correct a minor informality or to be placed in independent form. Although Applicant respectfully submit that the invention which is the subject matter of the rejected claims is patentable over the cited references, Applicant at this time intend to pursue patent protection of those allowed and allowable claims as described above. The amendments to claim 5 to incorporate the allowable subject matter of canceled claim 6 is not meant to concede to the appropriateness of the rejection of claim 5, but merely to expedite prosecution of the patent application. Therefore, Applicant submits that amended independent claim 5 and claims dependent directly or indirectly therefrom, namely claims 7, 8, 9, 16 and 17 are allowable as well.

Further remarks regarding the asserted relationship between any of the claims and the cited references is not necessary in view of their allowability. Applicant's silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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